

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:
BRUCE VERNON OPPEGARD

NOTICE OF HEARING AND
MOTION FOR DISMISSAL

Debtor(s). BKY Case No. 03-61530-DDO
Chapter 13

TO: All parties in interest under Local Rule 9013-3.

1. Michael J. Farrell, Chapter 13 Trustee, moves the Court for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on this motion on November 16, 2004 at 10:00 a.m. in Courtroom 2 – 2nd Floor, 118 South Mill Street, Fergus Falls, Minnesota, 56537.

3. Any response to this motion must be filed and delivered not later than 10:00 a.m. on November 10, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than November 4, 2004, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. The Court has jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334, Fed. R. Bankr. P. 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this Chapter 13 case was filed on 12/08/2003. This case is now pending in this Court.

5. This motion arises under 11 U.S.C. §1307 and Fed. R. Bankr. P. 1017. This motion is filed under Fed. R. Bankr. P. 9013 and Local Rule 9013-1. Movant requests relief with respect to dismissing this case.

6. The debtor(s) have failed to make payments as outlined in the court-approved plan. To date, the debtor(s) have paid \$2,115.00. The debtor(s) are in default in the amount of \$1,635.00. The last payment was on July 15, 2004 in the amount of \$174.00.

The default amount stated is through the current month and does not include any payment that may come due before the hearing date stated above.

Wherefore, the Trustee moves the court for an order to dismiss this case and such other relief as may be just and equitable.

Dated: October 12, 2004

/s/ Michael J. Farrell
Michael J. Farrell, Standing Trustee
PO Box 519
Barnesville, MN 56514
(218) 354-7356

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

BRUCE VERNON OPPEGARD

Debtor(s).

BKY CASE NO 03-61530-DDO
UNSWORN DECLARATION FOR
PROOF OF SERVICE

The undersigned, being an employee of the standing Chapter 13 Trustee, declares that on the date indicated below, I served the following:

Notice of Hearing and Trustee's Motion to Dismiss
and Unsworn Declaration of Proof of Service

Upon each of the entities named below, by mail (unless otherwise indicated below) by mailing to each of them a copy thereof by enclosing same in an envelope with first class mail postage prepaid, and depositing same in the post office at Barnesville, Minnesota, addressed to each of them as follows:

Debtor(s):

BRUCE VERNON OPPEGARD
16 HOWARD AVE SW
WADENA, MN 55482

Debtor's Attorney:

CURTIS K. WALKER
4356 NICOLLET AVE S
MINNEAPOLIS, MN 55409-2033

Additional Copy(s) addressed to:

UNITED STATES TRUSTEE
1015 U.S. COURTHOUSE
300 S. 4TH ST.
MINNEAPOLIS, MN 55415

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: October 12, 2004

/s/ Belinda D. Kurtz
Belinda D. Kurtz
Chapter 13 Office

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

BRUCE VERNON OPPEGARD

Case No. BKY 03-61530-DDO
Chapter 13

Debtor(s).

This matter came before the Court on November 16, 2004 at 10:00 a.m., or as soon thereafter as could be heard, on a motion by the Chapter 13 Trustee to dismiss this case. The appearances are as noted on the record. The court made its findings and conclusion on the record. Based on the Local and Federal Rules of Bankruptcy Procedure, it is

HEREBY ORDERED:

That this Chapter 13 Case is dismissed.

Dated: _____

DENNIS D. O'BRIEN
U.S. Bankruptcy Judge